



June 23, 2008

Honorable Chuck Grassley
United States Senate
135 Hart Senate Bldg.
Washington, DC 20510-1501

Honorable Herb Kohl
United States Senate
330 Hart Senate Office Building
Washington, D.C. 20510

Dear Senators Grassley and Kohl,

I am writing regarding your proposed legislation, S. 2029, which would require disclosure of gifts from pharmaceutical companies to doctors. I support disclosure of pharmaceutical gifts. This year, in fact, I proposed legislation to require similar disclosure by pharmaceutical companies doing business in California.

I am pleased to see that the PhRMA and AdvaMed trade organizations, and many leading drug companies have now decided to support S. 2029. However, I am concerned that the concessions made to secure the industry's outright support for the bill are too great. Specifically, raising the disclosure threshold from the original \$25 to \$500 would significantly weaken the transparency afforded by the original bill. This would be less of a concern, however, if not for the more serious issue of S. 2029 pre-empting and prohibiting stricter state policies of pharma gift disclosure.

As you know, several states have already adopted or are considering stricter disclosure requirements and limits on pharmaceutical gifts, including Minnesota, Vermont, Maine, Massachusetts, Washington D.C., and New Jersey. It is the data collected through these states' requirements - particularly Minnesota's - that have brought this issue national attention. Since 2005 Minnesota has prohibited pharma gifts over \$50 annually, and required full disclosure of consulting fees, honorariums, and other payments to doctors. Subsequently a series of New York Times articles examining the disclosed payments brought to light numerous potential conflicts of interest, including a psychiatrist sitting on a panel that advises the state on drugs for low-income Medicaid patients who received over \$350,000 from pharmaceutical companies. That physician resigned following the disclosure of those payments.

Federal legislation should encourage disclosure laws like Minnesota's, not roll them back. By

pre-empting state laws, S. 2029 will weaken regulations that have already proven effective in several states, and prohibit additional states from following suit. I urge you to reconsider and drop the bill's pre-emption requirement so that S. 2029's passage can represent a step forward in transparency, rather than a step backwards.

I would be happy to discuss this legislation, and my proposed California legislation, at your convenience. Thank you for your continuing efforts on this important issue.

Sincerely,

A handwritten signature in black ink that reads "Mike Feuer". The signature is fluid and cursive, with a large, sweeping loop at the end of the last name.

California State Assemblymember Mike Feuer

Cc: Honorable Dianne Feinstein, U.S. Senate
Honorable Barbara Boxer, U.S. Senate
Honorable Henry Waxman, House of Representatives